

REMARKS

Initially, Applicants wish to thank the Examiner for the courtesy extended to the undersigned during the personal interview conducted on December 28, 2005. The following reflects issues discussed during that interview.

By this Amendment, Applicants amend claims 1 and 33 and add new claims 53-56. With claims 3-32, 34-48, and 50-52 having been previously withdrawn, claims 1-56 are pending in this application. In the final Office Action of September 12, 2005,¹ claims 1, 2, 33, and 49 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,751,729 B1 ("*Giniger*"). Applicants address that rejection, as well as the new claims, below.

Section 102(e) rejection of claims 1, 2, 33, and 49

Applicants traverse the rejection of claims 1, 2, 33, and 49 under 35 U.S.C. § 102(e) because *Giniger* fails to anticipate those claims. In order to properly anticipate Applicants' claimed invention under 35 U.S.C. § 102, a single prior art reference must disclose each and every element of the claim at issue, either expressly or under principles of inherency. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *See* M.P.E.P. § 2131. Also, "[t]he elements must be arranged as required by the claim." *Id.* In this case, *Giniger* fails to anticipate claims 1, 2, 33, and 49 because the reference fails to teach each and every element of the claims, as discussed below.

With regard to independent claim 1, *Giniger* fails to teach at least the following feature:

providing, by the at least one processor and through the base network to the first processor, information enabling at least one tunnel through the base network to a second processor separate from the at least one processor, when the first and second

¹ The final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether or not any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the final Office Action.

processors each communicate to the at least one processor information indicating a consent for enabling the at least one tunnel (emphasis added).

Giniger is directed to providing security for virtual private networks and discloses a management server 130 and edge devices 110. See title; Abstract; Fig. 1. The Examiner alleged that *Giniger* discloses establishing a tunnel that connects edge devices 110 “wherein a consent is presented to the management server (130) from each of the edge devices (110) . . . via the commands to the edge devices to add the tunnel, as well as the generation/receiving of session keys from the management server (130). Final Office Action at p. 5.

As discussed in the interview, commanding devices to add a tunnel and generating/receiving session keys for the tunnel, as disclosed by *Giniger*, does not constitute providing information enabling at least one tunnel “when the first and second processors each communicate to the at least one processor information indicating a consent for enabling the at least one tunnel,” as recited in claim 1 (emphasis added). Indeed, in *Giniger*’s system, the management server 130 commands the edge devices to add a tunnel, and the session keys are generated, without regard to whether the edge devices consent to the tunnel. See col. 15, lines 16-39. Accepting or determining a session key that is used for a tunnel does not constitute consenting to the tunnel, much less communicating “information indicating a consent,” as currently claimed. The Examiner indicated in the interview that, in view of the above-noted feature of amended claim 1, he would reconsider the § 102 rejection of claim 1 based on *Giniger*. Additionally, the Interview Summary indicates that the Examiner would reconsider the § 102 rejection if the claims were amended to show “active communication” by the first and second processors.

In the Response to Arguments section of the final Office Action, the Examiner further alleged that *Giniger*’s edge devices “consent” to the tunnel “by each sending a request to the

management server for generation of appropriate keys.” Final Office Action at 3-4. As noted in the interview, *Giniger* does not disclose that edge devices 110 send requests to the management server for keys, as alleged by the Examiner. Instead, the reference merely discloses that the management server transfers keys or allows the edge devices to “determine the session keys themselves.” Col. 15, lines 16-37. Even so, sending requests for session keys does not constitute “[communicating] to the at least one processor information indicating a consent for enabling the at least one tunnel,” as recited in claim 1. Likewise, as explained above, receiving and determining session keys, as disclosed by *Giniger*, does not constitute “[communicating] to the at least one processor information indicating a consent for enabling the at least one tunnel,” as claimed.

Neither the cited portions nor any other portions of *Giniger* teach the “providing . . . information enabling at least one tunnel” feature of claim 1. Because *Giniger* does not disclose each and every element of claim 1, as a matter of law, it cannot anticipate that claim. As such, the rejection of claim 1 under 35 U.S.C. §102(e) based on *Giniger* should be withdrawn. The § 102(e) rejection of claim 2 should be withdrawn as well, at least because that claim depends upon claim 1 and is thus similarly distinguishable from *Giniger*.

Independent claim 33, although of different scope than claim 1, includes features similar to those of claim 1 noted above. In particular, claim 33 recites a combination including:

establishing communication over the base network between the at least one site and the self-configured first processor to provide the self-configured first processor virtual address information enabling at least one tunnel through the base network between the self-configured first processor and at least one other self-configured second processor, when the at least one site determines that the self-configured first and second processors mutually consent to enabling the at least one tunnel, wherein the self-configured first and second processors consent to enabling the at least one tunnel

by communicating to the at least one site information indicating consent (emphasis added).

The § 102(e) rejection of claim 33 should be withdrawn for at least reasons similar to those presented above in connection with claim 1. The § 102(e) rejection of claim 49 should also be withdrawn, at least because that claim depends upon claim 33 and is thus similarly distinguishable from the applied art. Accordingly, Applicants request withdrawal of the § 102(e) rejection and the timely allowance of claims 1, 2, 33, and 49.

New claims 53-56

New claims 53-56 depend upon claim 1. For at least reasons similar to those presented above in connection with claim 1, the applied art fails to teach or suggest each and every feature of new claims 53-56. Further, as discussed in the interview, the applied art fails to teach or suggest the additional features of “communicating at least one name” and “communicating at least one address” as recited in new claims 53 and 55. In addition, Applicants submit that the applied art fails to teach or suggest the additional features of new claims 54 and 56. Applicants therefore request the timely allowance of new claims 53-56.

Conclusion


Applicants request the Examiner's reconsideration of the application in view of the foregoing, and the timely allowance of pending claims 1, 2, 33, 49, and 53-56.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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